

REMARKS

Applicants submit this response to the Office Action mailed January 24, 2007. Claims 12-17 and 21-23 are pending. Claims 12, 13, 15, are amended as discussed below, and no new matter is added.

Applicants have amended the specification to refer to the prior applications, as requested at paragraph (2) of the Office Action.

Claims 12, 13, and 22 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The claims are drawn to polypeptides having at least 95% sequence identity with the protein of SEQ ID NO:2, or polypeptide of SEQ ID NO:2 comprising at least one conservative amino acid substitution, or an epitope bearing portion of a polypeptide comprising the amino acid sequence of SEQ ID NO:2 which comprises about 5 to 50 or 10 to 20 contiguous amino acids, or a complex comprising a fragment of the amino acid sequence of SEQ ID NO:2.

The Examiner stated that the specification teaches that the polypeptide of SEQ ID NO:2 can bind Notch receptor and promote angiogenesis. However, the Examiner objected to the limitation of "at least one biological activity" as it could encompass other undisclosed activities. The Examiner suggested that the rejection would be overcome by recitation of specific biological activities, and claims 12 and 13, and claim 22 which depends from 12 and 13, are amended accordingly. The amendment is supported in the specification at least at page 3, lines 13-14; page 6, line 23 to page 7, line 8; page 7, lines 10-16; page 37, lines 9-11; and page 44, lines 5-19. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 15 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as the metes and bounds of the epitope-bearing portion allegedly are not clear. The Examiner suggested that the rejection would be overcome by replacing "comprising" with "consisting of" in claim 15, and claim 15 has been amended accordingly. Reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner indicated that claims 14, 21 and 23 are allowed. In view of the amendment to claims 12, 13 and 22, and the arguments and amendments in reference to the rejected claims, applicants submit that all the objections and rejections may be withdrawn.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If fees are believed necessary, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258. If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7650.

Respectfully submitted,
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